

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held September 16, 2014

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:37 p.m. by Chairman William B. Hawk, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steven Stine, Township Solicitor; John Barry, Brown and Brown; Jason Campbell, SCEMS; Christine Hunter and H. Edward Black, H. Edward Black and Associates; Chris Black, Anthony Rigano and Jerry Duffie, Esq., Townes at Galway; and Watson Fisher, SWAN.

**Pledge of Allegiance**

Mr. Hawk suspended the recitation of the Pledge of Allegiance as it was recited during the Sewer Authority meeting.

**Approval of Minutes**

Mrs. Lindsey made a motion to approve the minutes from the August 12, 2014 workshop meeting. Mr. Crissman seconded the motion, and a unanimous vote followed.

**Public Comment**

No public comment was provided.

**Board Members Comments**

Mrs. Lindsey wanted to thank the Friendship Community Center managers and staff for the great open house that they had this past Saturday. She noted that many people attended the event and staff did a great job.

### **Manager's Report**

Mr. Wolfe noted that the Trick or Treat event will take place in the Township on Thursday, October 30, 2014 from 6 p.m. to 8 p.m. He noted that most communities in Dauphin County will observe Trick or Treat on this night.

Mr. Wolfe noted that the Friendship Center will allow a free workout to any individual who brings in a plastic bag of wrapped candy on Friday, October 31, 2014.

Mr. Wolfe noted that the Parks and Recreation Department will host hay rides at George Park along with pumpkin carving. He noted that the hayrides will be held on October 24, 25, and 26<sup>th</sup> from 6 p.m. to 8 p.m. He noted that the fee is \$3 per person. He explained that pumpkin carving at George Park will be held on Sunday, October 26<sup>th</sup> from 5 to 6 p.m., and the fee to carve a pumpkin is \$7 per pumpkin.

Mr. Wolfe noted on Sunday, October 12<sup>th</sup>, the Friendship Center will have a Pink Party, in support of Breast Cancer Awareness. He noted that the swimming pool at the Friendship Center will turn to pink and the community will be invited from 6 p.m. to 8 p.m. for a night of fun activities and events.

### **OLD BUSINESS**

#### Ordinance 14-05; amending the Property Maintenance Code as it relates to weeds

Mr. Wolfe noted that the specific amendment of the Property Maintenance Code (PMC) under consideration for change is as follows as it relates to Section 302.4 Weeds: "all premises and exterior property shall be limited to the minimum lot area as required by the Lower Paxton Township Zoning Ordinance and to a setback of ten feet (10') from the property line outside the minimum lot area. Any part for the premises and exterior property in excess of the minimum lot

area and the ten-foot setback area shall be exempt from the requirements of Section 302.4.” He noted that weeds and grass must be maintained at an elevation no greater than ten inches. He noted that it would be appropriate for Mr. Stine to conduct a public hearing.

Mr. Stine noted that this is the time and date set for the Public Hearing for Ordinance 14-05 which would amend the PMC as it relates to high weeds and grass. He questioned if anyone in the audience wished to be heard on this ordinance.

Ms. Joyce Umholtz, 1500 Parkway West, noted that the Board members ears should be burning since the article came out in The Paxton-Herald. She noted the reason that she is present is because she owns a piece of property that is mowed to the Code as it exists, noting that part of it does not have to be mowed because that part is a field and hay is made on that field for horses. She noted that it was always country there where she lived, as her parents owned it and her grandparents owned it and she is still there and they will probably carry her out. She noted that a developer came in on the side of her property and built 21 homes and she had no problem with that. She noted all of a sudden, on her parents and her side, people are dumping their garbage, grass clippings, liquor bottles and cans, tree trimmings, and even to the point of five gallon buckets of dog dirt. She noted that it was not pretty. She explained that you don’t mow through that as you have to clean it up and you ask them and they say, it’s just a field. She noted that it is not their field. She explained that they got a little upset and one family went to the point where they have three dogs, they put a fence up to house their three dogs but the gate to open the fence was on her side of the field. She questioned why you think they did that.

Ms. Umholtz noted that they came along and said that the field had to be mowed, all of it had to be mowed. She questioned why would you want to mow a field to look like a yard, it is

not a yard, it is a field. She noted that the Board amended the ordinance last year in July or two years ago so she does not have to mow it at all, not even a ten-foot setback. She noted that her ground is mowed to code, she watches over her flower beds and keeps her house in order as best she can. She noted that she is 68 but she can still paint and maintain her home to keep it nice.

Ms. Umholtz explained that she spoke to Mrs. Zerbe and she informed her that a new person is taking over as the high grass code officer for the Township and that she had no idea this was to be amended and did not know what was going on. She noted that puzzled her. She noted that Mr. Hornung's article in the newsletter about people getting along is wonderful but she does not understand if she keeps her grass mowed around her property why she must mow a ten foot setback in the field. She noted that Mrs. Zerbe told her that it keeps the wild animals out. She noted that deer or skunk or groundhog will go through the grass and say uh oh, its mowed short so I have to turn around. She noted that she does not buy that. She noted when you buy a piece of property, shame on you if you don't look what is next to you. It's been there for ages, it's always been a field, five generations on this property now and it is still a field, not a lawn. She urged the Board members, you may hear the comments from your high grass officer about people complaining, get out there, and do some more research, before you make your decision as there is a lot going on out there that you don't know.

Ms. Umholtz stated that she could tell more horror stories but it is no use telling the Board but she wanted to leave the Board with one little story. There was a man who lived in Linglestown and she always said that they built Linglestown around him, Herman Wolfersberger. She noted that he was a gentleman that was respected, honest, and trustworthy. She noted that you could have gone to him anytime, day or night, and asked for help and he

would help you. She noted that is what Mr. Hornung stated in his article, to get along. She noted it is not that way as they just want to run their property on her property and she will not let them do that. She noted that she brought up Mr. Wolfersberger because she knew him very well. She suggested that the Board do more research, and learn more about this before you come to a decision.

Mr. Matthew Seibert, 5020 Parkway West, noted that he is not sure that he can top the comments made previously by his mother, but ever since he inherited the property from his grandmother, the field has been cut three times a year. He noted that he cuts it Memorial Day, 4th of July and Labor Day. He explained that he had some horses on the property, had the setbacks, provided the plans to the Township and brought the horses there and since then, nothing has changed and he still mows three times a year to make hay. He noted that he is surrounded by his neighbors and he has no problem with that, but this is because of certain neighbors and he has some problems with them and the setbacks because they are going to treat it as their own personal playground. He noted that they were mowing out 30 feet plus into the property so he had a hearing in 2009 that stopped that. He noted that it is not as cut and dry as you think. He noted that he understands the meaning behind the ordinance but in his case it has provided for a lot of problems that he had to stop. He noted that they enter his property despite the signs and some fencing. He noted that he urged the Board members to go out and do some research before making a decision.

Mr. Stine questioned if anyone else wanted to be heard on Ordinance 14-05. He noted, seeing no response, it was appropriate to close the public hearing and the Board may take action if it so desires.

Mr. Seeds questioned Ms. Umholtz if her land is zoned R-1. Ms. Umholtz answered yes. Mr. Seeds questioned if it is more than 20,000 square foot. Ms. Umholtz answered that it is a little over an acre. Mr. Seeds questioned if she keeps it mowed. Ms. Umholtz answered that she does not mow the entire acre, only about 2/3 acre. Mr. Seeds questioned Ms. Umholtz if she mows out to the curb or street. Ms. Umholtz answered that she mows to the property line for the area that she mows.

Mrs. Lindsey questioned if the rest of the property is ever mowed. Ms. Umholtz noted that she makes hay with it. Mrs. Lindsey questioned if it is three times a year. Mr. Seibert noted three or four times a year. Mrs. Lindsey questioned how high the hay gets. Mr. Seibert noted that it depends on the growth.

Mr. Seeds noted that the ordinance now states that it must be ten inches. He noted if the grass is over ten inches you are in violation of the ordinance as it stands today. Ms. Umholtz noted as the ordinance stands today, with her mowing two thirds of her property, she is completely legal. Mr. Wolfe noted that the current ordinance would require in an R-1 zone that the area to be cut is equal to the minimum lot area required in an R-1 zone which is 20,000 square feet. He noted as long as 20,000 square feet is cut, no matter how big the parcel is, the parcel is in compliance with the current ordinance.

Ms. Umholtz noted that she mows more than that.

Mr. Seeds questioned if she had adjoining neighbors who do not mow as well. Ms. Umholtz noted that the biggest complainers against her this year left a six foot path beside her and he didn't mow for 2.5 months, but today he mowed it. She noted that she was not going to say anything, so what, if he doesn't want to, that's okay. She noted that we can nitpick back and

forth, neighbor to neighbor, that is ridiculous. She noted that she does not want to do that but on the same sense she does not want to do something that is not necessary. She noted that it has been a field forever, and they knew that.

Mr. Seeds noted that we have a problem, and questioned how we should fix it. Ms. Umholtz noted first of all, get out and look around in the area and see what other areas there are. She noted that last year, the newspaper article mentioned something about a Nassau Road issue. She noted that there are other issues out there, talk to your high grass Code Officer and see what they are coming up against. She noted that the article stated that they get 1,000 complaints a year, and Mr. Wolfe stated that they can't handle it all. She noted that she can understand that. She noted that 21 homes were built and there are eight families and they are the biggest complainers and they will bombard the Township with emails and phone calls until they get their way. She explained that she once hired an attorney for this because she got a citation having 15 days to mow her grass. She noted that she mowed it on the 15<sup>th</sup> day and she still got a citation, and do you know why. She noted that it was mowed at 1 p.m., and the citation was written at 9 a.m. and the Township made her pay it. She noted that is not right, it stinks.

Mrs. Lindsey questioned if this issue started with this parcel or are there others. Mr. Wolfe answered that there are at least two locations where we have this type of a conflict, maybe three. Mrs. Lindsey questioned if the surrounding neighbors are the ones complaining. Mr. Wolfe answered yes.

Ms. Umholtz noted for the 21 homes there are good people who live there and she has no complaints about them living there. She noted they live there, fine. She suggested that they should not look over on her property and pick it apart as it is her property and her house. She

noted that the one neighbor took a 12 inch ruler when she was hand sickling off the weeds on the edge of her land on a hot August sticky day and stuck it down in front of her face and said you peoples' hard work is all going to be in vain. He stated that we are going to sit in our back yards and watch the grass grow and when it gets to over ten inches we will all call the Township. She noted that is what he said to her and that makes her upset. She noted that her blood pressure was high then.

Mrs. Lindsey questioned if they are concerned that animals may be wondering around in it. Ms. Umholtz noted that there are deer, there are animals there; where there is an open field there will be animals because the developers come in and have taken their land just like we did with the Indians. She noted that they got upset too.

Mr. Seeds noted that earlier you referred to Mr. Hornung's article which was a very good article and that is what you are talking about with the neighbors and that is what occurs. He noted that many call or email... Mrs. Umholtz noted that the Board is only hearing one side. She noted that she just told the rest of the story.

Mr. Seeds noted that they always say that the squeaky wheel gets the grease. He noted that this has been an ongoing problem and since there are a number of complaints, we are trying to find a way to resolve it for how to get people to work together to be good neighbors. He noted that it is not always possible to do that.

Mr. Hornung noted when they were mowing your area, why did you have it stopped. Ms. Umholtz explained that one neighbor mowed out so far and she looked and found his wife and daughter were out in chaise lounges sitting on her property. She noted that she is not going to allow that to happen.



Mr. Seeds noted that we go out and look at items and he goes out and looks at everything, and he has never been asked to leave people's properties. He noted that he did not think that was the issue, as it is a big Township and there is a lot of grass and weeds, and whatever the Board does will not suit all the people. He noted that the Board tries to do the best for the majority of the people. Ms. Umholtz noted if you only have two locations, maybe you can work with us. Mr. Wolfe noted the Ms. Lindsey questioned if there were other locations where this is occurring and he stated that there are primarily two areas or maybe three and that this is a significant problem where there are residences abutting a large tract of land where the grass is not cut. He noted that the residents want to see the grass by their backyards.

Mr. Crissman suggested that the Board should consider including this for the Road Tour.

Mr. Hornung questioned Ms. Umholtz why it is so hard for her to mow the land. Ms. Umholtz noted that mowing her piece is not such a big deal, but for people who have bigger parcels when you have ten feet, think about that. She noted that was even included in this article, landowners who have a big piece of property it would cause a hardship on them but she is not sure what Supervisor, it might have been Mr. Blain, as she was not sure, who stated that. She noted if you have a job and you work overtime and you are taking care of everything and you have to mow ten feet around a property line, it would take some time. She noted that you have neighbors who will sit there and watch it grow, you are going to get zapped.

Mr. Hornung noted that he can buy into that but she did not answer his question. He questioned why she did not mow the grass. Ms. Umholtz answered if she doesn't have to she is not going to do it as she mows enough now. Mr. Hornung noted that we have a feud going on, so he understands it. Ms. Umholtz noted that she did not start it. Mr. Hornung noted that it

doesn't matter who starts it; it matters who ends it. Ms. Umholtz noted that it looks like you people are going to be the one... Mr. Hornung noted that we may have to end it with an ordinance and this is exactly what he wrote the article about. He noted that sometimes we have to do things for other people. He noted just like you were talking about Mr. Wolfersberger as he went out of his way to do things for other people that cost him. He noted that he did it anyway. Ms. Umholtz noted to look at his property it wasn't the property, it was the man. She noted that people care too much on how it looks. Mr. Hornung noted that is what his article was about, people getting along and sometimes it costs you.

Ms. Lindsey questioned if we need a motion to table this ordinance until after the road tour.

Mr. Hawk noted that you can't always appease every situation within the Township but we have to do what is most advantageous to those concerned. He noted that Mr. Crissman has made a comment that we should put this on the road tour and he thinks that is a good idea. He noted that Ms. Lindsey agrees as well. Mr. Crissman suggested that we could withdraw it from the agenda for consideration tonight. Mr. Seeds noted that we could take no action, noting if you table it you have to bring it back. Mr. Crissman noted that it is agreeable to him.

Ms. Donna Spangler explained that she lives at 1540 Parkway West, and her property joins her parents property and the thing that she does not understand is that we talked about getting along but the people on Sue Ann Drive bought those lots and built their homes; that field never got mowed more than what Matt Seibert suggested, Memorial Day, July 4<sup>th</sup> and Labor Day. She noted that there were no complaints ever when Jim's parents were living. She noted Mr. Seibert had dog poop on his land, not with the people on Sue Ann Drive but the people on

Carrolton Drive, and she had people that think that it is just a field and they can put their stuff on it. She noted that they always respected the land in the past, as she has lived there some 50 years, and Joyce said it was always a family property, five generations, and she did respect everyone's property. She noted that we stayed to ourselves and respected it, but there isn't anyone sitting on the Board who would like if someone came and stated that it was just a field or they would dump their grass or dump their dog stuff. She noted that you would not like it because you are the one who has to get rid of it. She noted that her part was that we do get along, noting that she stays to herself and she does not bother her neighbors, she mows her field as she has a large field that gets mowed across from Stauffers of Kissel Hill. She noted that she keeps her property decent, but it bothers her that people walk the ground knowing that it was a field, knowing the grass was high they seen it mowed three times a year and now there is a fuss being made because it is a different situation. She noted that she had her property surveyed, everyone is out and they want to know what you are doing. She noted that they don't want you to build, they want to keep it a field, they want to keep the animals, the deer come, and they want to keep all that stuff. She noted that she has a problem when you talk about respect and keeping your property and her biggest problem is these people knew that that is how it was and now they are complaining and it doesn't seem fair. She noted that Mr. Seibert mows the field and bales hay, they can see him out there doing that. She noted that they bought their land knowing what it was and now they are complaining and I think they are upset because now there are no trespassing signs and different things up that they did not expect to happen and they thought they could mow beyond and when you mow you thought that you can claim the property, she did not know. She noted that is her comment.

Mr. Hawk noted that the Board will take a look at it and not take any action at this time. He noted that the situation has existed for some time and it will not hurt to delay any action for another week.

Mr. Hornung questioned, if we look at it during the road tour next Tuesday when can we get this back on the agenda. Mr. Wolfe answered that the Board can bring it back at the next business meeting which will be the first Tuesday of October. Mr. Hornung noted that he would like to have an answer yes or no and we should also let them know while they are still here that they can come back on October 7<sup>th</sup> and we will vote on it at that time.

Mr. Stine noted that you should make that an official motion so you do not have to re-advertise the Ordinance.

Mr. Crissman made a motion to table taking action on Ordinance 2014-05, to amend the Property Maintenance Code as it relates to weeds on October 7, 2014. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and unanimous voted followed.

Mr. Crissman noted that on October 7<sup>th</sup> we will not have a public hearing as we have already gone through that process. Mr. Hawk questioned what if someone new wants to speak. Mr. Crissman noted that the hearing was opened and closed as per the opinion of the counsel. Mr. Stine noted that on October 7<sup>th</sup> you will make a decision for the adoption or non-adoption of the Ordinance.

Mr. Hornung questioned if people could still provide public comment. Mr. Stine answered that they could.

Action on bids for lease of municipal facilities for communications equipment

Mr. Wolfe explained that Lower Paxton Township has advertised for the lease of municipal facilities, primarily light standards, or traffic signal standards that are owned by the Township. He noted that small satellite cellular communications equipment could be attached to these locations. He noted that the Township received one bid from Cello Partnership a division of Verizon Wireless in the amount of \$3,600 per year per location. He noted that the bid has been reviewed by staff and counsel and determined to be complete and ready for action this evening.

Mr. Wolfe noted that although there is no specific number in the bid for locations that Cello and Verizon will eventually lease, they have indicated to him that they will build out anywhere between seven and ten locations. He noted that the lease is for five years per location, with an option to renew each five year lease for an additional four successive terms for a total of 25 years.

Mr. Hornung noted that we discussed if they would be allowed other wireless providers to collocate at that location, he questioned if they would be allowed to do that without providing more funds to the Township. Mr. Wolfe answered that these facilities act as a small transmitting facility for a larger cell net. He noted that they would not be providing service to other co-locations. He noted that no other carrier would have the ability to locate on Township facilities at this point because they have not submitted a bid. Mr. Hornung questioned if they could sublease. Mr. Wolfe answered that they can only sub lease to entities of themselves or Verizon, and not to a competitor.

Mr. Seeds questioned if it was \$3,600 per year per site. Mr. Wolfe answered that was correct. Mr. Seeds noted that it was for five years and then they would have to renegotiate. Mr.

Wolfe noted that is true or it could be terminated or it could be continued. Mr. Seeds noted that we would not have to give them another five years. Mr. Wolfe noted that is correct.

Mr. Crissman noted that it could be renegotiated every five years up to a total of 25 years. He questioned if it could be seven to ten locations, does that mean each time a new location is identified, the Board would have to provide approval or is this a carte blanche of up to seven or ten per year. Mr. Wolfe noted that there would be no additional bid that would be required but we do have the ability to approve based upon the ability of the facility to accommodate the equipment. He noted if our facility can't accommodate the equipment, we have the right to turn it down unless they bring the facility up to a standard that could accommodate the equipment. Mr. Crissman noted with this approval, staff would approve the locations. Mr. Wolfe answered yes. Mr. Crissman noted that we are granting up to...Mr. Wolfe noted that there is no up to. Mr. Crissman noted that it would be for whatever locations are determined... Mr. Wolfe noted that their indication to him was seven to ten.

Mr. Seeds questioned if we could say no to a location but he supposed we would have to have justification for doing that.

Mr. Crissman made a motion to approve the lease of municipal facilities for communication equipment to Cello Partnership with Verizon in the amount of \$3,600 per location per unit for a five year contract, with the ability to negotiate additional agreements up to 25 years. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on an agreement between the Township and its Police Officers

Mr. Hawk explained that this item was removed from the agenda as an omission was noticed in the wording of the agreement. He noted that it will be brought back to the October 7<sup>th</sup> meeting.

**NEW BUSINESS**

Action on a proposal to provide the Township and Authority  
with property and liability insurances

Mr. Wolfe noted that Lower Paxton Township's insurance year as well as the Authorities insurance year begins on October 1, 2014 and ends on September 30, 2014. He noted that John Barry, from Brown and Brown has shopped our insurance packages for the Township and the Authority and he is present to discuss the results and the pricing that he has obtained for the coverage into next year.

Mr. John Barry noted that he went out this year to various markets for both the Township and the Authority and what he submitted was the proposal. He noted that the best of the proposals is with Allied Insurance who was the incumbent carrier. He explained that he went out to about eight carriers total and they came in with the lowest rate providing equal coverage for what the Township has last year. He noted on page 36, of the Township's proposal the Board will find the comparison page, comparing last year's coverage to this year. Mr. Seeds noted that it was a significant increase. Mr. Brown noted that the increase was mainly for a couple of reasons, as the Township had nine additional vehicles. Mr. Wolfe noted that this year, we leased and purchased additional vehicles but we haven't sold vehicles yet this year. He noted that the number will fall back down to 99 vehicles in 30 to 45 days. He noted that the insurance will remove them from the policy once they are sold. Mr. Seeds questioned how much it would

lower the policy. Mr. Barry noted that it would depend on when the vehicles are sold. Mr. Seeds noted that it is a \$17,000 increase. Mr. Barry noted that it is a combination of automobile and an increase of \$1 million in values to anticipate some increase in the Friendship Center. He noted that you have a new air conditioning system going in so he bumped up those values. He noted that you had nine plus vehicles and your overall revenue stayed about the same and expenditures so there was not much change in that. He noted when you look at the number of vehicles on the automobile list, noting that the rate with Allied is very competitive. He noted another carrier's automobile coverage was close to the total package cost for Allied. He noted that the additional coverage for the vehicles will come off and then he will provide a return for that.

Mr. Hawk noted that most everything covers a \$1,000 deductible. Mr. Barry noted that is for the collision and comprehensive coverage.

Mr. Crissman questioned if the majority of the increase in the package is specifically for the automobiles. Mr. Barry answered yes, and the values for the FC. He noted that it will go back down when the vehicles are sold. Mr. Crissman questioned if the increased assessment for the FC will remain. Mr. Barry answered yes.

Mr. Crissman questioned if someone took a square footage and then did an increase as opposed to an on-site. Mr. Wolfe answered no. He noted that it would be the increased value of the FC based upon the increase costs of the improvements. Mr. Crissman noted that he heard Mr. Barry say that but he did not realize that the majority was there as opposed to the total buildings and square footage. Mr. Barry noted that he did not change any other values. Mr. Crissman noted that sometimes they simply plug in numbers and do a calculation and other times they do an inspection and we get a new number. He noted that he wanted to know if it was just numbers



or whether it was actual. Mr. Barry noted that it was not a calculation; it was given to us as an anticipated improvement. He noted that there have not been any other increases in the values.

Ms. Lindsey noted that she read in one of the pages that the Township should get Flood Insurance. Mr. Barry noted that he has some Flood Insurance built into the package. Ms. Lindsey thought that she read that we needed more. Mr. Barry noted that we have Flood Insurance built into the package subject to a higher deductible of \$25,000. He noted that it is in the proposal. He stated that he always has a template that is the same and it was repeated but he has included some flood insurance and recommends it.

Mr. Hornung questioned if we have properties in the flood plain. Mr. Wolfe answered that we have parks facility in the flood plains. Ms. Lindsey questioned if that is the reason for the flood insurance for the parks. Mr. Barry answered that it is part of the package and we incorporated it a number of years ago and continued the flood insurance but it is a higher deductible at \$25,000.

Mr. Hornung noted on the residential level flood insurance is going through the roof for premiums. He questioned if that is true for this as well. Mr. Barry answered no as the Township's exposure is not that high. He noted that you don't have many large buildings, for example, if we look at the Municipal Center, if the water gets that high we better have an ark out back.

Mr. Hornung questioned what improvements were made to the FC. Mr. Wolfe answered that two new HVAC units were installed. Mr. Hornung questioned if it was more of a replacement. Mr. Wolfe noted that you increased the value of the building by the cost of the improvements. He noted that you have to capitalize it. Mr. Hornung noted when they were going

back why we didn't get a decrease in the value. Mr. Wolfe noted that we do depreciate the building over time and we get new values over time. Mr. Barry noted for the insurance end, your replacement costs keep you whole, so he don't decrease the value keeping it for replacement costs, so if those units died, we would replace them new for old. Mr. Hornung noted that we just put new units so the chances of risk factor is going significantly down but you are going to have to replace them under an insurance policy, whereas as the units get older there is a greater chance that they could malfunction and we could file an insurance claim. He suggested that the risk factor would go up and the premium would follow that. Mr. Barry noted that although the air conditioning systems do have breakdown coverage, which is subject to if a circulating fan would fall off it axis's and causes resulting damage you are also thinking of the total damage for another loss so in other words if you had a fire or major wind storm or tornado, you would still need to replace the unit and you have replacement cost coverage on it. Mr. Hornung noted whether the unit was old or new the replacement cost would be the same. Mr. Barry answered not necessarily, if it is a couple of years down the road. He noted with the new system we only took the value that you gave us. Mr. Wolfe noted that the value of the old system was significantly less than the value of the system that we have today. Mr. Hornung questioned if it was old or not just as good. Mr. Wolfe answered neither, he noted at the time we put it in, the value was less. He noted when we paid for it originally it was \$300,000 and to replace it we would get replacement costs. Mr. Barry noted that you have replacement costs built into the policy. Mr. Hornung questioned if a new one is \$500,000. Mr. Wolfe noted that it was closer to \$650,000. Mr. Hornung questioned if we only get the difference between the \$300,000 and the

\$650,000, not the entire \$650,000. Mr. Wolfe answered that was correct as we increased the cost, not from \$650,000 but from the \$300,000 to the \$650,000.

Ms. Lindsey questioned about the flood insurance, it states, "Please note that we recommend that you purchase limits on your flood policy that are also equal to your property policy." She questioned if we are where we need to be. Mr. Barry noted that your lack of risk of flood exposure as you are not in flood areas other than some of the equipment in the parks; he feels that is enough. He noted if this building or other major buildings were in a flood zone, we would recommend more.

Mr. Hawk noted that when he looks at the prices, \$121,000 as compared to \$138,000, do you competitively bid it with other companies. Mr. Barry answered yes. He noted as an example, one of the companies came in over \$200,000 for the package and it was an indication and they weren't even close. He noted that their automobile was close to the total amount of the package as it was \$92,000.

Mr. Hawk questioned if a \$500 comprehensive deductible was becoming more standard. Mr. Barry answered yes and in some cases it is a \$1,000 depending on what you are willing to handle. He noted that you don't save a lot on the comprehensive. Mr. Hawk noted that he did not have a deductible on his comprehensive coverage. Mr. Barry noted on the commercial you usually don't.

Mrs. Lindsey questioned how long the Township has been with your insurance agency. Mr. Barry answered that it is going on a total of nine years, noting that he compared this with Mr. Houck, the Finance Director, the Township started at \$165,000 for just the Township so you have come down since he has put it out for bids. He noted that he went out to eight carriers this

year. He noted that knowing the market and what the usual costs per vehicle is, for example in one instance a bid came in at \$92,000 just for the automobile policy. He noted that the bid was pretty much in the market place with other carriers, so he has kept it down and it has gone down each year. He noted that it has gone down since the first year he started.

Mr. Hawk noted that the current policy is valid up to October 1, 2014. He suggested that we are on a short time frame. Mr. Barry noted that he started the process in late July and early August taking it out to a pretty substantial market place. Mr. Crissman noted that we have a 30-day grace period.

Mr. Barry noted that the Authority information is found on page 20. He noted that it stayed pretty close to the same, with the umbrella going up a little, the package policy went up a bit, but overall you are pretty close to last year's rate. Mr. Crissman questioned what the percentage of increase was. Mr. Barry noted that it is less than \$1,000. Mr. Seeds noted that it is not quite \$800. Mr. Wolfe answered that it would be 2%.

Mr. Wolfe noted that typically you choose the Authority coverage without terrorism coverage. Mr. Crissman questioned if Mr. Barry recommended that we take it for one policy but not the other. Mr. Barry answered that it is the Board's choice as there is always the potential...Mr. Crissman questioned if we have opted out of it before. Mr. Wolfe answered that we have. Mr. Crissman noted that it was still listed on page 30 for the Township. Mr. Barry noted that he is showing it as an option. He explained that the Authority is not a water system which is where you would have more of a need for this type of coverage. Mr. Seeds noted that we have a pump station. Mr. Barry noted that it is the Board's choice to make.

Ms. Lindsey questioned if the motion could be made for both at the same time. Mr. Hawk suggested that we could combine them. Mr. Seeds noted that the only decision is if we want the terrorism coverage. Mr. Hawk suggested that we don't want it. Mr. Crissman noted that counsel is advising that we can combine the two into one motion.

Mr. Crissman questioned if they are both from Allied Insurance. Mr. Barry answered yes.

Mr. Crissman noted without the terrorism the Township price is \$138,321 and for the Authority it is \$34,189.

Mr. Crissman made a motion to accept the proposals to provide the Township and the Authority with property and liability insurances in the amount of \$138,321 for the Township and \$34,189 for the Authority. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 14-30; accepting the Minimum Municipal Obligation  
for the police and non-uniformed employees' pension plans

Mr. Crissman questioned if this agenda item will have any impact on the agreement that we need to sign on October 7<sup>th</sup>. Mr. Wolfe answered no.

Mr. Wolfe noted that this is the beginning part of the 2015 budget process. He noted that Pennsylvania Act 205 requires that the Board establish, for budgetary purposes, its Minimum Municipal Obligation (MMO) for the employee pension plan by the end of September, prior to the beginning of the next fiscal year. He noted that the actuary has prepared the MMO obligation for the police and non-uniformed pension plans. He noted for the police pension plan, the total Township obligation is \$1,063,399. He noted for the non-uniformed pension plan it is \$789,950, providing a total of \$1,853, 349. He noted that is what Lower Paxton Township is required to deposit into the pension plans in combination with employee contributions. He noted

that the amount is offset by State Aid that the Township will receive, although we don't know how much, but the current estimate is that \$740,000 will be deposited into the pension plan next year as part of the MMO. He noted that the State will contribute roughly 45% of what the Township has to contribute for its employee pension plan. He noted that the information has been prepared by the actuary, and in accordance with Act 205, Resolution 14-30 has been prepared for Board action this evening to accept it as part of the budget process for 2015.

Mr. Crissman made a motion to approve Resolution 14-30 which is accepting the Minimum Municipal Obligation (MMO) for the police and non-uniformed employees' pension plans as presented by Mr. Wolfe with the adjusting entries by the State of Pennsylvania. Mrs. Lindsey seconded the motion. Mr. Hawk called for a voice vote and an anonymous vote followed.

#### Resolution 14-28; authorizing destruction of specific municipal records

Mr. Hawk noted that Resolution 14-28 authorizes the destruction of specific municipal records. He noted that it is done by a set schedule that allows the Township to do that. Mr. Wolfe noted that items to be destroyed are attached to the resolution as an exhibit.

Mr. Crissman made a motion to approve Resolution 14-28, authorizing the destruction of specific municipal records as identified by Mr. Wolfe. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and an anonymous vote followed.

#### Preliminary/Final Land Development Plan for Townes at Galway

Mr. Wolfe noted that the Board has seen this plan on two occasions, the most recent at the workshop meeting held last Tuesday night. He noted that this plan proposes the construction of a 17 townhouse community. The property is zoned R-3, Medium-High Residential District and

is located south of Union Deposit Road and west of Page Road on Newside Road. The property contains one lot on 2.3 acres and will be served by public sewer and public water.

Mr. Wolfe noted that the Lower Paxton Township Planning Commission recommended approval of the plan on July 2, 2014. He noted that discussions have occurred with Emergency Service Providers in regard to access, firefighting and ambulance, ingress and egress to provide for the safety of the occupants within the development.

Mr. Wolfe noted that the plan is presented with 14 waiver requests, all of which have been detailed to the Board in the previous meetings as well as staff comments in regard to three site specific conditions, and seven general conditions.

Mr. Wolfe noted that Edward Black of H. Edward Black and Associates is present to represent the plan.

Mr. Black noted that he would like to provide a rundown of some of the facts for the design. He noted on this site and in this zone he is permitted 70% impervious coverage and this plan is at 53% impervious coverage and he is permitted 60% allowable building coverage and he is at 23%. He noted that a wetland study was completed as there has been some concern by the Board about the wetness of the site. He noted that a wetland study was completed and delineated by Vortex Environmental and we know where the wetland is and we are staying away from it. He noted that infiltration tests have been completed by F. T. Kitlinski and Associates, Inc., a geotechnical firm, and they were completed in April of 2014, which was a very wet spring season but even at that, the results were good results as the soil does infiltrate and will take away stormwater. He noted by ordinance, he will release less intensity of runoff than was allowed to discharge prior to development. He noted that the density on this site as Mr. Wolfe pointed out is

7.4 units per acre which he does not consider dense development in this area. He noted that normally you would approach ten or twelve units per acre; he would be talking about dense development. He noted that he needs to get a Highway Occupancy Permit (HOP) because he is tying his private street into a PennDOT roadway. He noted with the few number of units at 17, as Mr. Wolfe pointed out, it is classified as a low volume driveway and as such the maximum driveway width allowed by PennDOT is 24 feet which is one of the waivers from the 32 foot parkway width to 24 feet. He noted with the 24 foot private street and if he paint out one lane for a fire lane and if by chance the other side where it is not painted out, parallel parking would take place, it is eight feet wide, so eight feet to the total 24 feet, we would still have 16 feet actual driving area. He noted if we had a 32 foot cartway and people were permitted to park on both sides, the two eight foot parking lanes is 16 feet, the driving area on either street is the same. He noted that the cartway would only be 16 feet in width.

Mr. Black explained the he would widen Newside Road and install sidewalks, the last unimproved frontage in this area. He noted that he has received a recommendation of approval from the Planning Commission and came to the Board but the Board asked him to check with the fire chief and he did that. He explained that he met with the fire chief, Director of Public Safety, fire marshal and Township Manager. He noted that meeting yielded some comments which he incorporated into the plan and it resulted in the revised plan. He explained that he will be painting a fire lane on the street, and installing slant curb so that a fire truck could mount the curb if it needs to. He noted that he will be increasing the strength of the sidewalk in the event the side riggers need to be mounted on those sidewalks. He noted that during the workshop



session, the fire chief stated that it was a positive recommendation and it helped to improve the project.

Mr. Black stated that he would be willing to address any questions that the Board may have.

Mr. Seeds noted that it was an excellent presentation, and one of the waivers that is recommended has to do with the waiver to provide sidewalks on both side of the new interior streets. He noted that staff supports a safe access route to the sidewalk along Newside Road. He questioned if it was on the revised map. Mr. Black pointed to the sidewalk on one side of the entrance street. Mr. Seeds noted that the sidewalk exists along Newside Road. Mr. Black answered that it does not exist on the front of Newside Road. Mr. Seeds noted that he thought there was some sidewalk along Newside Road. Mr. Seeds questioned if he could show the connecting sidewalk. Mr. Black noted that the connecting sidewalk that staff is talking about does tie into the sidewalk that will be parallel to the frontage on Newside Road. Mr. Seeds questioned what about the area to the east side of the development, he questioned if the road will connect to the next development. Mr. Black answered that there is no access from his road to the private street for the next development.

Mrs. Lindsey noted that she still has concerns for the wetlands even though the study was completed, as it is really wet in that location. Mr. Black noted that he went out to walk the site, he pointed to the wetlands on the site, and it has been delineated by a wetlands consultant, Vortex Environmental. He noted that the rest of the site is no wetland, and he explained that he moved the road around that area so they are staying away from the wetlands. He noted if the site was wet, he would have trouble with percolation also, but the site does percolate.

Mr. Hornung questioned where the infiltration area will be. Mr. Black answered that it will be under the parking area

Mr. Seeds noted that Waiver 14 has to do with providing the minimum curb radius at the intersection of Newside Road and Celtic Court due to requirements by PennDOT. He questioned if those requirements are in place. Mr. Black answered that he would refer to Ms. Hunter for that information. Ms. Christine Hunter, H. E. Black and Associates, answered that the radius for the intersection between Celtic Court and Newside Road is regulated by PennDOT and it is determined by the speed limit and the low volume driveway.

Mr. Crissman questioned if Ms. Hunter had supporting documentation to support the claim that PennDOT is mandating for the proposed radius. Ms. Hunter answered that she does not have it in her hand now, but she does have it.

Mr. Seeds noted that it is also one of HRG's recommendation for condition for approval. Ms. Hunter noted that she needs to gain a HOP from PennDOT and she has submitted it and it is under PennDOT review at this time. She noted that they make the determination of what is appropriate from the driveway onto their State road. Mr. Seeds noted that they will not give the HOP without the correct radius. Ms. Hunter answered that was correct and it is a condition of approval.

Mr. Hawk noted that HRG has 18 comments and he questioned if Ms. Hunter has satisfied the comments or concerns. Ms. Hunter answered that the latest comment letter that she received from HRG noted that all comments were completed, noting that only the administrative comments for signature, such as PennDOT approval and Dauphin County Conservation District

were pending. Mr. Hawk noted that it was the memo from HRG dated July 17, 2014. Ms. Hunter noted that was correct.

Mr. Seeds noted that some of the concerns have been mentioned about the wetlands but you are saying that the land percolates. He noted that some of his concerns are that we have other developments in the Township that were built with 24 foot streets and we've had some problems. He noted that we don't want that to occur. He stated that it is a concern and he knows that Ms. Hunter has done her homework meeting with everyone. He noted that you are probably correct when you build a 32 foot street and there is parking on both sides of the street you still end up with a 16 foot cartway. He noted that parking can be a problem no matter how wide the street is and if people don't obey the signs, we would have a problem. Mr. Black noted that he understands, but the session with the public safety people helped that situation because they wanted the fire lane painted out so people can drive through that area but they will not be allowed to park in that area, but it will leave 16 feet of reserved driveway space through the entire length.

Ms. Lindsey noted when she asked Chief Swank last week about the fire lane he still was concerned that people could park there and they would not be able to get past. Mr. Black noted that they wanted it designated as a fire lane because police, even with private property, can enforce that so theoretically people will not park there. Ms. Lindsey noted that they can enforce it but if people park there and there is a fire and you don't know where the car or truck came from they will be there and there is no way to remove it. She noted that is her concern for a 24 foot street.

Mr. Black noted that the 24 foot street does decrease the amount of run off also, He noted that you may have more requests for less width on the streets.

Mr. Crissman noted the eighth comment in HRG's letter indicates that the applicant is requesting a waiver to require to provide the 30 foot sanitary sewer easement. He noted that we are aware of the problems the Authority is running into with the applicant requesting it to be 20 foot wide due to the location of the existing sewer location, and HRG supports the waiver contingent upon approval by the Lower Paxton Township Authority. He noted that he did not recall the Authority taking action. Mr. Wolfe noted that it would be action taken by staff and the Authority Engineer and he does not know if they have taken action yet, but it is an outside entity. He noted that typically, plans are approved and conditioned upon getting the approval from the outside entities like the Authority and PennDOT.

Mr. Seeds noted if we approve this with that condition, then the plan is not approved without the approval of the Township Sewer Engineer. Mr. Wolfe answered that is correct.

Ms. Hunter noted that she had a coordination meeting with Sewer Authority representatives and GHD, talking to them about the issues and she has their approval for the concept. She noted that their most recent comment letter from GHD is that the comments are acceptable.

Mr. Crissman questioned Mr. Black if he is able to speak for the applicant. Mr. Black answered yes. Mr. Black clarified that he has three representatives of the applicant with him, Chris Black, Anthony Rigano and Jerry Duffie, Esq. He noted if he would like to have questions directed to them he could. Mr. Crissman noted that he wants to make sure that he is speaking to

the applicant or representatives who can speak on behalf of the applicant. Mr. Black answered that he can speak on behalf of the applicants.

Mr. Crissman noted that there are fourteen waiver requests. Mr. Black answered that he has the paperwork in front of him. Mr. Crissman noted that there are 14 waivers and they are identified with either staff support or staff supports based upon contingencies. He noted that for number two, it states that staff supports the recommendation that no parking signs are placed at intervals along the private street. He questioned Mr. Black if for the 14 identified waivers with staff extended comments, are you in total agreement that they will occur. Mr. Black answered yes and with the extended conditions. Mr. Crissman noted for waiver 14, staff is in support of this waiver contingent on providing supporting documentation to back up the applicant's claim that PennDOT is mandating the proposed radius. Mr. Black noted that he is in agreement to all of those.

Mr. Crissman questioned if the three site specific conditions have been completed or will be completed as identified. Mr. Black answered yes.

Mr. Crissman questioned if he is in agreement that all of the items in the general conditions have been complied with or will be complied with in a timely fashion, in particular number six which contains the comments from HRG, Inc., with Steve Fleming's signature dated July 17, 2014. He noted that there is a host of comments stated in that letter. Mr. Black answered that he does agree and as Ms. Hunter pointed out they have a letter from HRG that states that all technical comments have been cared for.

Mr. Hornung questioned if the two applicants, Chris Black and Jerry Duffie, Esq. would come to the podium. He noted before the finished layer is applied to the street there are no

markings on the streets. He noted in this case, due to the importance of the fire lane markings, he requested the applicants to paint the fire lane on the street even though the wearing course will not be added until later. Mr. Black answered yes. Mr. Duffie questioned if this would be prior to the first unit being occupied. Mr. Hornung answered yes. He noted if the markings are not put in from the beginning people may park in the fire lanes and it may be years down the road before the last two homes are built and they still haven't installed the wearing course. He noted that he trusts that the applicant will do that.

Mr. Hornung questioned if the homes will have basements. Mr. Chris Black answered that a portion of the units do. He noted that 11 of the 17 units have basements, six do not. Mr. Hornung noted that his concern is that sometimes builders build on land that is difficult and the Board members are concerned with the wetness in the area. He noted if they have a basement and the people come before the Board asking for a fix for their problem after the houses are built, the Board can't do that and it puts the Board in the middle of a situation that we don't have a way out of. He questioned if the basements might have a problem, will you be installing sump pump in the basements. Mr. Chris Black answered that the units that have basements will have sump pits, specifically the architecture was submitted for pad units where there may be an opportunity for wet grounds; otherwise that is why they did the selection for the pads.

Mr. Crissman questioned if the architect has designed for wet basements. Mr. Chris Black answered no, he said that based on the topography and the opportunity of necessary fill on the site, we selected to put slab units there. He noted where the topography lends itself for a basement we are opting to put in basement units along with sump pits. He noted that sump pits are standard for his construction.

Mrs. Lindsey questioned which six units will be on slabs. Mr. Chris Black answered that it would be the closest to Newside Road. Mr. Duffie noted that they will be built on fill and that is why they won't have basements. He noted that they will be constructed in a fill area and they won't have basements.

Mr. Seeds questioned when you put the base roadway in you will mark the fire lane and in addition he questioned if the signage could be installed at the same time for no parking so if the homes are not completed then staff will not have an enforcement issue until all the homes are completed. He noted that it will provide the warning for enforcement for the fire lanes. Mr. Chris Black noted that the infrastructure will be built in one phase so the site contractor will be obligated to put in signage and so forth at the time of installation.

Mr. Hornung questioned if he had the applicant's word for the fire lane. The applicant answered yes.

Mr. Crissman made a motion to approve the final/preliminary land development plan for The Townes at Galway with the following waivers and conditions: 1) Waiver of the requirement that proposed private streets are prohibited unless they meet the design standards; 2) Waiver of the road width requirement of 32'. (Applicant is proposing a width of 24') (Staff Supports with the recommendation that no parking signs are placed at intervals along the private street.); 3) Waiver of the 150' minimum horizontal curve radius. (Applicant is requesting horizontal curve of 38' for horizontal curves 2, 3 and 4; 4) Waiver of the 60' leveling area of 4% grade or less within 60' of an intersection. (Applicant is requesting 4.86% grade at the intersection of Newside Road); 5) Waiver of the required vertical curve length; 6) Waiver from required street widths and materials. (Applicant is requesting relief from the 3" base course); 7) Waiver of the 20' drainage

easement centered on storm sewer requirement. The applicant is requesting a 10' easement in 2 locations); 8) Waiver of the requirement to provide a 30' sanitary sewer easement. (Applicant is requesting a 20' easement; 9) Waiver of the sight lighting, fixture location placement. (Applicant is seeking relief from lighting along Newside Road); 10) Waiver of the requirement to provide sidewalks along both sides of new interior streets. Staff supports and recommends for a safe access route to the sidewalk along Newside Road as shown by the applicant; 11) Waiver of the requirement to provide minimum pipe size of fifteen inches in diameter. (Applicant requested 12" pipe size in detention basin and wetland crossing.); 12) Waiver of the requirement to provide a minimum pipe slope of 0.5%. (Applicant is requesting 0% pipe slope within the underground detention facility and at the wetland crossing); 13) Waiver from the requirement that inlets shall be placed no closer than 5' from any driveway; 14) Waiver for the requirement to provide the minimum curb radius at the intersection of Newside Road and Celtic Court due to requirements imposed by PennDOT. Staff Supports this waiver contingent on providing supporting documentation to back up the applicant's claim that PennDOT is mandating the proposed radius; 15) Plan approval shall be subject to the recreational fee-in-lieu payment of \$2,320 per unit for seventeen units; 16) Common Open Space. The applicant shall prove that these areas are suitable for active or passive recreation. Please provide information verifying this; 17) Provide Planned Community Act agreement for solicitor review; 18) Plan approval shall be subject to providing original seals and signatures; 19) Plan approval shall be subject to the payment of engineering review fees; 20) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 21) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and



Sedimentation Control Plan; 22) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 23) Plan approval shall be subject to addressing all comments of Steve Fleming, HRG, Inc. memo dated July 17, 2014; and 24) Zoning Permits will be required prior to the erection of the townhouse units. Mr. Hornung seconded the motion.

Mr. Hawk called for a roll call vote: Mrs. Lindsey, nay; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Hawk noted that Mr. Black made the necessary corrections to the plan. Mr. Black noted that we had the same concerns when he first looked at the site and that is why we called in the heavy duty experts. He noted that he relied on F. T. Kitlinski very heavily for projects like this and he worked with us very closely on the percolation rates for disposal of storm water and also viewing the grading plan and the type of fill that we will be placing.

Mr. Hawk noted after answering the questions that were brought to you two weeks ago we feel that you have met the requirements of the ordinance and noting under the PMC if you meet the requirements we can't object to the plan.

Declaration of Consolidation of Previously Subdivided Lots for  
the Howard and Randall Hirsch Partnership for 5710 Union Deposit Road

Mr. Wolfe noted that this is a subdivision plan that showed seven lots that were approved in final form. He noted that the developer no longer desires to proceed with the subdivision plan and he would like to re-consolidate the lots back into one parcel. He noted that lots two through eight would become one parcel.

Mr. Crissman questioned does it state that the Board will authorize the consolidation of the previously subdivided lots or is it that it has already been done, and we are changing it back the other way. Mr. Wolfe noted that we are consolidating the lots back.

Mr. Crissman made a motion to approve the declaration of consolidation of previously subdivided lots for the Howard and Randall Hirsh Partnership for 5710 Union Deposit Road. Mr. Seeds second the motion.

Mrs. Lindsey questioned if when we put it back into one lot, will they not build on it. Mr. Wolfe noted that they have no plans to build at this time. He explained that it would be one freestanding lot and he could build one unit on it.

Mr. Hawk called for a voice vote, and a unanimous vote followed.

### **Payment of Bills**

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority and the purchase cards for Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

### **Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting, and the meeting adjourned at 9:21p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

William L. Hornung  
Township Secretary